

REMARKS

The applicants have carefully considered the official action dated December 20, 2007, and the references cited therein. By way of this response, claims 1, 3-6, 9, 11-14, 19, 21, 22, 25, 26, 28 and 29 have been amended and claim 27 has been cancelled. Accordingly, claims 1-26 and 28-30 remain pending in this application. In view of the foregoing amendments and the following remarks, it is respectfully submitted that all pending claims are in condition for allowance.

The Rejections Under 35 U.S.C. §102(e)

Claims 1, 2, 6-10, 14-20, 23-25, 29 and 30 were rejected under 35 U.S.C. §102(e) as anticipated by Avvari et al. (U.S. Patent No. 7,165,074). As amended, independent claims 1, 9, 19, and 25 recite, *inter alia*, generating, or a device to generate, one or more time stamps corresponding to a detection of one or more program states of an application. Furthermore, claims 1, 9, 19, and 25 also recite that the time stamps are included in test profiles associated with a plurality of tests.

As the examiner states in the official action, Avvari et al. do not describe generating time stamps corresponding to one or more program states. In fact, Avvari et al. do not describe time stamps at all. Further, despite the examiner's contention, Plum (U.S. Patent No. 5,758,061, which is cited in the 103(a) rejections of claims 3-5, 11-13, 21, 22, and 26-28) does not describe generating one or more time stamps corresponding to a detection of one or more program states of an application.

Specifically, the examiner asserts that the time stamping illustrated by Plum is analogous to the claim recitations of the present application. In particular, the examiner cites the following paragraph:

“[T]esting time is estimated by using report information developed during the incremental testing process. In particular, the incremental coverage results may be time stamped, and these time stamps may be used to estimate the ratio of the number of defects revealed by testing to **the total amount of time spent testing the software.**” *Plum*, col. 3, lines 41-47 (emphasis added).

However, as indicated by the emphasized portion of the cited paragraph above, the time stamps suggested by Plum fulfill a different purpose and, appropriately, function differently than those claimed in the present application. Time stamping to determine an efficiency (i.e., a ratio of defects found versus time spent testing) has nothing to do with time stamps corresponding to a detection of a program state such as, for example, an earliest time corresponding to a breakpoint of the application, as recited in claim 4 of the present application. The time stamps in Plum merely indicate a time at which a testing procedure was run and a time at which the testing procedure was complete and do not correspond to the detection of a program state.

This difference is further demonstrated by analyzing the implementation of the time stamps in Plum. In particular, to describe the time stamping mentioned in the paragraph above, Plum states that “**only once during the execution** of the instrumented program...an information line is written to the cumulative results file with the current data and time, current user name, and current directory.” *Plum*, col. 13, lines 43-52 (emphasis added). Such time stamps do not correspond to a detection of one or more program states of the application, as recited in the present application. Rather, in accordance with Plum’s stated goal of measuring efficiency of a testing procedure, the time stamps merely indicate when a test was run.

Conclusion

For at least the foregoing reasons, the applicants respectfully submit that all pending claims are in condition for allowance.

The Commissioner is authorized to charge any deficiency in the amount enclosed or any additional fees which may be required during the pendency of this application to Deposit Account No. 50-2455.

Respectfully submitted,
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